

### **REMARKS**

In order to expedite prosecution of the present application, claims 1-458 have been canceled and new claims 459-473 have been added. New claim 459, and claims 460-473, dependent thereon, recite a system for processing the sale and purchase of items, comprising: (a) a storage device; (b) a processor; (c) said storage device being operative to store programs for controlling said processor, and said processor being operative with said program: (i) to receive sell offers from a seller and bargain offers from a buyer, including conditions for purchase and a payment identifier, thereby defining said bargain offer; (ii) to carry out a bargaining process with said buyer to arrive at a price for at least one of said items that is agreed on by said buyer and said seller; and (iii) to arrange for the purchase of said at least one item by said buyer from said seller at said price.

The amendments to the claims are clearly supported by the original specification; particularly at page 5, lines 2 – 9; page 15, lines 17 – 20; page 19, line 8 to page 20, line 10; and page 51, line 18 to page 54, line 18. Consequently, no new matter has been added.

Applicant's invention provides an electronic bargaining system that enables buyers to bargain with the system in order to negotiate an optimum bargain price and that enables sellers to sell or list their products by bargaining with the system to negotiate the best-offered price. The system permits purchase and sale of goods to be transacted at a bargained for price that represents the best bargain obtained by the parties. A bargained for price for transactions consummated by the electronic bargaining system is reached by

the parties in a highly reliable manner. Principal attributes of that bargained for price are those captured by the characterization: “Our Best Bargain, Your Best Bargain”.

Claims 1-458 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner has stated that taken as a whole the claims recite an undue multiplicity of claims by virtue of the unreasonable number of claims presented would tend to obfuscate, confuse, and becloud the claimed invention. Because the Examiner believes that in his judgment that twenty (20) claims are sufficient to properly define applicant’s invention, the Examiner has required applicant to select certain claims, not to exceed twenty for examination on the merits of which no more than six are independent claims, See M.P.E.P. 2173.05(n). The Examiner has indicated that to be complete the non-selected claims must be cancelled or the applicant must present appropriate arguments as to why the above rejection is in error.

In order to comply with the Examiner’s requirements, claims 1-458 have been cancelled and new claims 459-473 have been added. New claims 459-473 represent claims similar to those that are pending in the PCT counterpart application. As amended, there remains only one (1) independent claim and fourteen (14) dependent claims in the present application.

Accordingly, present claims 459-473 are submitted to be in compliance with 35 U.S.C. 112, second paragraph, as particularly pointing out and distinctly claiming the subject matter which applicant regards as the invention.

### **Conclusion**

In view of the amendments to the claims and the remarks set forth above, it is respectfully submitted that the present application is in allowable condition. The allowance of new claims 459-473 is earnestly solicited.

Respectfully submitted,  
Saadat H. Khan



By \_\_\_\_\_  
Ernest D. Buff  
(His Attorney)  
Reg. No. 25,833  
(908) 901-0220